

# Ex. 5 Deliberative Process (DP)

Begin forwarded message:

**From:** "TERMAATH, STEPHEN G GS-15 USAF AFCEC AFCEC/CIB" <[stephen.termaath@us.af.mil](mailto:stephen.termaath@us.af.mil)>  
**Date:** October 20, 2017 at 5:03:57 PM MST  
**To:** "Enrique Manzanilla ([manzanilla.enrique@epa.gov](mailto:manzanilla.enrique@epa.gov))" <[manzanilla.enrique@epa.gov](mailto:manzanilla.enrique@epa.gov)>, "Laura L. Malone" <[Malone.Laura@azdeq.gov](mailto:Malone.Laura@azdeq.gov)>, "Herrera, Angeles" <[Herrera.Angeles@epa.gov](mailto:Herrera.Angeles@epa.gov)>, "[lepage.tina@azdeq.gov](mailto:lepage.tina@azdeq.gov)" <[lepage.tina@azdeq.gov](mailto:lepage.tina@azdeq.gov)>  
**Cc:** "MOOK, PHILIP H JR GS-15 USAF AFCEC AFCEC/CIBW" <[philip.mook@us.af.mil](mailto:philip.mook@us.af.mil)>, "JERRARD, CATHERINE V CIV USAF HAF AFCEC/CIBW" <[catherine.jerrard@us.af.mil](mailto:catherine.jerrard@us.af.mil)>  
**Subject:** FFA dispute language

All

Just wanted to clarify when a dispute can be raised. Angeles thought a dispute was limited to when the work plan is approved. I did not want to get bogged down in process during our meeting, so I am providing the following so that that you are aware of much broader rights to

raise a dispute.

There is no limit on what or when a dispute can be invoked -- from the FFA - note (b) below.

"Section 12.2 Within thirty (30) days after: (a) the issuance of a draft final primary document pursuant to Section 7 (Consultation), or (b) any action which leads to or generates a dispute, the disputing Party shall submit to the DRC a written statement of dispute setting forth the nature of the dispute, the work affected by the dispute, the disputing Party's position with respect to the dispute and the technical, legal or factual information the disputing Party is relying upon to support its position."

The above can be found on page 34 of the Williams FFA.

This does not impact the options under consideration. However, proceeding with EBR whether in a pilot or as a remedy, regulatory ability to raise a dispute is not impacted.

Please pass on to Chris whose email I do not have

//SIGNED//

Stephen TerMaath, P.E., GS-15, DAF  
Chief, BRAC Program Management Division  
Installations Directorate

Air Force Civil Engineer Center (AFCEC)  
2261 Hughes Avenue, Suite 155  
JBSA Lackland TX 78236-9853  
(210)395-9428  
DSN: 969-9428  
Mobile 210 383-9825